

**BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO ADD A SECTION (I) THAT SHALL ESTABLISH FEES FOR INDIVIDUALS OR ORGANIZATIONS UTILIZING CITY RECREATION PROPERTY, FACILITIES, OR AMENITIES FOR PRIVATE BUSINESS PURPOSES; TO AUTHORIZE SUCH FUNDS BEING DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000(SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS PROGRAM), 69999 (FUNING SOURCE NON CAPITAL); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") Code of Ordinances, Section 110-3 (a) ("Fee Code") establishes a fee structure for, among other things, individuals and entities wishing to utilize City recreation property, centers, facilities, and/or amenities ("Recreation Facility"); and

**WHEREAS**, certain businesses conduct or provide all or portions of the services they offer in a Recreation Facility; and

**WHEREAS**, businesses conducting services in a Recreation Facility generate revenue therefrom, are profiting from the City's property and maintenance thereof, are causing wear and tear on the Recreation Facility, and may be precluding the City's or anyone else's use of that portion of the Recreation Facility during the business' use; and

**WHEREAS**, the City wishes to enter an agreement with such business ("Recreation Business Agreement") and charge a permit fee to such businesses to eliminate any potential liability and offset some of the additional cost borne by the City as a result of the business' use of the Recreation Facility; and

**WHEREAS**, because businesses being conducted in Recreation Facilities will most often preclude other activities from occurring at the same location at the same time, and because recreation centers are intended to provide recreation services to the public, businesses permitted to conduct activities in a Recreation Facility must provide a recreation-related service or activity therein; and

**WHEREAS**, it is in the best interest of the City for the Commissioner of the Department of Parks, Recreation, and Cultural Affairs to enter Recreation Business Agreements on behalf of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA,  
GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Atlanta Code of Ordinances section 110-3 shall be amended by adding a new section (l) that shall read as follows:

- (l) Individuals or organizations (“Businesses”) utilizing City recreation property, or a City recreation center, facility, or amenity, including without limitation ball fields, tennis courts, and swimming pools (“Recreation Facility”) for business purposes, conducting all or portions of the Business’ services or activities in or on a Recreation Facility, except where such services or activities do not include vending and are free of charge, shall be required to pay a fee and enter a Recreation Business Agreement with the City prior to providing such services or activities. The Commissioner of the Department of Parks, Recreation and Cultural Affairs shall determine at what Recreation Facilities a Business may be offered, and shall not permit businesses to be offered at other locations. This list shall be in writing and shall be applied uniformly. The Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her/his designee may execute the Recreation Business Agreement on behalf of the City without obtaining City Council approval. S/he may allow a Business to utilize a Recreation Facility only if the Business is offering a recreation activity that is authorized by the Department of Parks, Recreation and Cultural Affairs. Additionally, the Commissioner may determine which Businesses to enter Recreation Business Agreements with provided her/his criteria for such determination are established in writing and applied uniformly, and provided that the criteria do not include any consideration of the Business owner’s, employees’, or patrons’ race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, age, disability status, or gender identity.

(1) Details of Recreation Business Agreement:

- (a) The fee shall be twenty five percent (25%) of the gross revenue obtained from all of the services, activities and/or programs performed by the Business at the Recreation Facility.
- (b) Recreation Business Agreement requirements shall include: i) the Business shall obtain general liability insurance in an amount determined by the City’s Office of Risk Management, but in no event less than \$1,000,000, with the City listed as an additional insured; ii) the Business shall agree to indemnify and defend the City for any damages arising from the operation of the services and/or activities at the City Facility; iii) the term of the agreement shall be one year, and the City may terminate the agreement without cause with sixty (60) days written notice.

- (c) Businesses who enter a Recreation Business Agreement shall not be required to pay the other fees owed pursuant to this Section 110-3 for the Business operation, including without limitation rental fees, but shall be required to pay other applicable fees imposed by the City or other jurisdictions.
  - (d) The Commissioner may include any other non-financial requirements s/he deems appropriate.
- (2) Exemptions:
- (a) Where a program or activity is being conducted in a portion of a Recreation Facility that is outdoors, and where the individual or organization has received an Outdoor Event Permit pursuant to City Code of Ordinances Chapter 142 for the program or activity at issue, the requirements of this City Code section 110-3 (l) shall not apply.
  - (b) The Recreation Business Fee requirement shall not apply to 501 (c)(3) organizations, but said organizations must pay all other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws.
  - ✓ (c) The Recreation Business Fee requirement shall not apply to organizations that are mandated to perform complete or partial maintenance and/or improvement of a park and/or recreation facility for one year or greater at no cost to the City, pursuant to a written agreement with the City that is fully executed.
  - (d) The amount of the Recreation Business Fee for for-profit leagues shall be \$1,500 plus any other fees owed pursuant to this Section 110-3, including without limitation rental fees, and any other fees owed pursuant to the Atlanta Code of Ordinances or other applicable laws. Accordingly, the requirements of subsection (1)(a) and (1)(c) of this section 110-3 (l) shall not apply to for-profit leagues, but all other requirements of this section 110-3 (l), including without limitation subsections (1)(b) and 1(d), shall apply.
  - (e) The requirements of this City Code section 110-3 (l) shall not apply to individuals or organizations conducting photo or film shoots in a Recreation Facility.
  - (f) The requirements of this City Code section 110-3 (l) shall not apply to events with admission fees and/or vending that are held in class 4 recreation centers, as described earlier in this section 110-3;
- (3) Penalties: Businesses in violation of this code provision shall be subject to the penalties set forth in City Code of Ordinances section 1-8. Each class or activity conducted without a permit may be deemed a separate violation.

**Section 2.** All revenue generated pursuant to this legislation shall be deposited into account segments 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000 (SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS PROGRAM), 69999 (FUNING SOURCE NON CAPITAL).

**Section 3.** All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.